

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 3/27/2018 11:29:21 PM
To: Darren Van Steenwyk, M.S., BCE [darrenv@clarkpest.com]
CC: abray@pestworld.org
Subject: RE: SF Bay Area ESA Injunction

Darren,

I've done a little digging and the lawyers have enlightened me. It appears to them that the measures are going to remain in place for the foreseeable future.

The consent decree in the SF Bay case calls for measures to stay in place pending completion of consultation on the effects of over 70 pesticides on 11 Bay Area species. The agreement was amended as part of the Grand Bargain in 2015 with EPA agreeing to nationwide BEs on 4 herbicides in lieu of completing Bay Area species assessments for the final 16 of the 70-plus pesticides in the case. Those nationwide BEs are due in June 2020. The FWS BiOps for those 4 pesticides are due in 2022. There is no schedule for completing BIOPs for the over 50 pesticides for which EPA's Bay Area assessments were completed.

I hope this is helpful.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273

Ex. 6

beck.nancy@epa.gov

From: Darren Van Steenwyk, M.S., BCE [mailto:darrenv@clarkpest.com]
Sent: Wednesday, March 21, 2018 2:34 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: abray@pestworld.org
Subject: SF Bay Area ESA Injunction

Nancy,

I wanted to thank you for speaking at the National Pest Management Association Legislative Days event this week. It was enlightening for us to hear your prospective on some of these issues that we discussed.

I mentioned to you what the status of the ESA Injunction in the SF Bay Area was based on the conversations that the EPA is having with the Services. If you could please follow on this conversation and let us know if/how this lawsuit is progressing and if these interim use restrictions are still place, that would help us as industry. We, as a company, work very diligently to comply with these restrictions and use limitations but they are not in place any longer then we would like to use the products in the manner in which their labels would allow us to. Thanks so much.

Here is the website that we use to reference the interim use restrictions and the maps that we reference to determine when and where we can apply these products.

<https://www.epa.gov/endangered-species/interim-use-limitations-eleven-threatened-or-endangered-species-san-francisco-bay#exceptions>

Darren Van Steenwyk, BCE
Technical Director
Clark Pest Control

Ex. 6